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BY FAX

Andrew Read
Law Clerk

Via Fax: 212-805-7933

Hon. Andrew J. Peck
United States Magistrate Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, NY 10007-1312

July 22, 2008

MEMO ENDORSED

The long will be forwarded on 7/24 or should be. Mr. Lonergan did not attend the hearing. But notes were not and to be heard at the hearing. The court should left to the court's discretion. Mr. Lonergan should be his own attorney by the way.

Re: Procapui-Productores de Camaroes de Icapui LTDA
v. Marcial Gerald Layani, et al.,
Case # - 07 Civ 6627 (BSJ)

SO ORDERED:
[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

Dear Judge Peck:

This office is counsel to Richard Rubin, a cross-claim defendant in the above-referenced matter. I write with regard to the discovery conference scheduled for this Thursday, July 24, 2008 at 3:00 p.m., and to advise the Court that I am actually engaged and scheduled for trial that day in the matter of *61 West 8th Street LLC v. Keith Douglas Pruitt* now pending in New York City Civil Court.

My client is not in any way involved in the dispute that is the subject of the conference, and takes no position with regard to the outcome. Accordingly, we request that our attendance at the conference be excused, or in the alternative, that the matter be adjourned to either July 28 or July 30. Your Honor's attention and consideration in this regard is appreciated

Respectfully submitted,

[Signature]

Lawrence R. Lonergan,

c. Richard Rubin
Luigi DeMaio, Esq.
John Phelan, Esq.

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

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Dated: July 23, 2008

Total Number of Pages: 2

TO	FAX NUMBER
Lawrence R. Lonergan, Esq.	212-366-6950
Luigi P. De Maio, Esq.	212-889-1391
John J. Phelan, III, Esq.	212-315-3028

TRANSCRIPTION:

MEMO ENDORSED 7/23/08

The conf. will go forward on 7/24 as scheduled. Mr. Lonergan need not attend if he is on trial. But another issue that will be discussed at the conf. is whether the Court should lift the stay on depositions. Mr. Lonergan should make his view known by fax.

Copy to: Judge Barbara S. Jones